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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,336	09/14/2006	Diedrich Von Behr	DP-313759	4627
22851 7590 11/05/2008 DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007				
EXAMINER VORTMAN, ANATOLY				
ART UNIT 2835		PAPER NUMBER		
MAIL DATE 11/05/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/551,336

**Applicant(s)**

VON BEHR ET AL.

**Examiner**

ANATOLY VORTMAN

**Art Unit**

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-10 is/are pending in the application.  
4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 6 and 7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date 11/09/08

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Specie I, claims 6 and 7 in the reply filed on 09/02/08 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 8-10 have been withdrawn from further consideration.

### ***Information Disclosure Statement***

2. The information disclosure statement filed on 11/09/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to the foreign references has not been considered.

### ***Drawings***

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Currently, there are no drawings on file in the instant 371 US application. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter

may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). For the examination purposes the drawings from the underlining PCT application have been used.

### *Specification*

4. The disclosure is objected to because of the following informalities: the specification lacks headings for different portions thereof. Further, the brief description of the drawings is omitted. Applicant is advised to refer to the issued US patents for the proper format of the specification. A substitute specification in compliance with the USPTO practice is required.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/2005/0034595 to Kordel et al (Kordel) in view of US/2,931,874 to Leaman.

Regarding claims 6 and 7, Kordel disclosed (Fig. 2) a pyromechanical disconnecting device comprising a housing (1) defining a receiving space (8) and a supporting floor (not

labeled) having a bore (not labeled) there through, a current conductor rail (11) having a disconnecting point and arranged in said housing, a disconnecting tool (12) in said housing and movable along a path toward said disconnecting point to sever said current conductor rail, an ignition element (2) adapted to propel said disconnecting tool along said path to sever said current conductor rail, wherein said ignition element is disposed in said receiving space and adjacent to said supporting floor, said ignition element having a connecting pin (5) extending through said bore, but did not disclose an elastic sealing element arranged between said ignition element and said supporting floor.

Leaman disclosed (Fig. 1) a pyromechanical switch comprising an elastic sealing O-ring element (washer) (24) arranged between an ignition element (22) and a supporting floor (17) for sealing purposes (col. 2, lines 45-63).

It would have been obvious to provide an elastic sealing element arranged between said ignition element (2) and said supporting floor in the disconnecting device of Kordel, as taught by Leaman, in order to effectively seal the receiving space (8), thus preventing the escape of the gas pressure from the enclosure, subsequently augmenting the cutting force.

### ***Conclusion***

7. The remaining prior art made of record on PTO-892 was not relied upon, but is considered pertinent to Applicant's disclosure, because of the teachings of various pyrotechnically assisted electrical switches.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANATOLY VORTMAN whose telephone number is (571)272-2047. The examiner can normally be reached on Monday-Thursday, between 10:00 am and 8:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anatoly Vortman/  
Primary Examiner, Art Unit 2835